

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

SAMANTHA KOSMA §  
v. § CIVIL ACTION NO. 6:11cv524  
COMMISSIONER, SOCIAL SECURITY §  
ADMINISTRATION

ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains his findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the social security action be reversed and remanded pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration of the opinions of Dr. Hicks in the light of *Newton v. Apfel*, 209 F.3d 448 (5th Cir. 2000), and 20 C.F.R. §§ 404.1527(c) and 416.927(c), such consideration limited to Plaintiff's Title XVI claim, but not the Title II claim for which there is no substantiation. No written objections have been filed. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.

In light of the foregoing, it is

**ORDERED** that the social security action be **REVERSED** and **REMANDED** pursuant to

the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the findings and conclusions of the Magistrate Judge, which are hereby adopted. It is further  
**ORDERED** that any motion not previously ruled on is **DENIED**.

**So ORDERED and SIGNED this 25th day of February, 2013.**

A handwritten signature in black ink, appearing to read "LEONARD DAVIS". The signature is fluid and cursive, with a large loop at the top and several smaller loops and dashes below it.

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**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**